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U.S. DISTRICT COURT E.D.N.Y.

★ MAY 07 2021 ★

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NEW YORK

LONG ISLAND OFFICE

HENRY I. CISCO,

*(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)*

**-against-**

CITY OF LONG BEACH, SANITATION  
DEPARTMENT, JAMEL TAYLOR:  
ASSISTANT SUPERINTENDENT.

*(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)*

**Complaint for Employment  
Discrimination**

**CV-21 1972**

Case No. \_\_\_\_\_

*(to be filled in by the Clerk's Office)*

Jury Trial: ☒ Yes ☐ No  
*(check one)*

**DONNELLY, J.**

**BLOOM, M.J.**

**I. The Parties to This Complaint****A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	<u>HENRY I. CISCO</u>
Street Address	<u>290 S. OCEAN AVENUE</u>
City and County	<u>FREEPORT, NASSAU</u>
State and Zip Code	<u>NEW YORK 11561</u>
Telephone Number	<u>(516) 661-1604</u>
E-mail Address	<u>ciscohenry1@gmail.com</u>

**B. The Defendant(s)**

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

**Defendant No. 1**

Name	<u>City of Long Beach</u>
Job or Title (if known)	<u>SANITATION DEPARTMENT</u>
Street Address	<u>150 West Pine Street</u>
City and County	<u>Long Beach, Nassau County</u>
State and Zip Code	<u>New York 11561</u>
Telephone Number	<u></u>
E-mail Address (if known)	<u></u>

**Defendant No. 2**

Name	<u>JAMEL TAYLOR</u>
Job or Title (if known)	<u>ASSISTANT SUPERINTENDENT</u>
Street Address	<u>150 West Pine Street</u>
City and County	<u>Long Beach, Nassau County</u>

State and Zip Code New York 11561  
Telephone Number \_\_\_\_\_  
E-mail Address \_\_\_\_\_  
(if known)

**C. Place of Employment**

The address at which I sought employment or was employed by the defendant(s) is:

Name Sanitation Department  
Street Address 150 West Pine Street  
City and County Long Beach, Nassau  
State and Zip Code New York 11561  
Telephone Number (516) 432-3132

**II. Basis for Jurisdiction**

This action is brought for discrimination in employment pursuant to (check all that apply):

- ☐ Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (race, color, gender, religion, national origin).

*(Note: In order to bring suit in federal district court under Title VII, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)*

- ☒ Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 to 634.

*(Note: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file a charge with the Equal Employment Opportunity Commission.)*

- ☐ Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 to 12117.

*(Note: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)*

☐ Other federal law (*specify the federal law*):

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☐ Relevant state law (*specify, if known*):

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☐ Relevant city or county law (*specify, if known*):

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### III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. The discriminatory conduct of which I complain in this action includes (*check all that apply*):

- ☒ Failure to hire me.
- ☐ Termination of my employment.
- ☐ Failure to promote me.
- ☐ Failure to accommodate my disability.
- ☐ Unequal terms and conditions of my employment.
- ☐ Retaliation.
- ☒ Other acts (*specify*): discrimination against my age

(*Note: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court under the federal employment discrimination statutes.*)

B. It is my best recollection that the alleged discriminatory acts occurred on date(s)

July 31, 2020

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C. I believe that defendant(s) (check one):

- ☒ is/are still committing these acts against me.  
☐ is/are not still committing these acts against me.

D. Defendant(s) discriminated against me based on my (check all that apply and explain):

- ☐ race \_\_\_\_\_  
☐ color \_\_\_\_\_  
☐ gender/sex \_\_\_\_\_  
☐ religion \_\_\_\_\_  
☐ national origin \_\_\_\_\_  
☒ age. My year of birth is 1964. (Give your year of birth only if you are asserting a claim of age discrimination.)  
☐ disability or perceived disability (specify disability)  
 \_\_\_\_\_

E. The facts of my case are as follows. Attach additional pages if needed.

1. On Thursday, July 30<sup>th</sup>, 2020, I was informed by a  
employee of City of Long Beach Sanitation Department  
to go over there because they need workers.
2. On July 31<sup>st</sup>, 2020, Friday, approximately 6:45am, I go  
over to Sanitation Department for the "immediate hire"  
job.
3. I filled out another Application Form. (Prior to this  
form, I filled out a Application Form in December, 2018,  
and handed it to the Shop Supervisor (JAMEL TAYLOR)  
along with my State Identification, Social Security Card,  
Birth Certificate and Insurance Card.
4. (JAMEL TAYLOR) made copies of the information and

(Note: As additional support for the facts of your claim, you may attach to this complaint a copy of your charge filed with the Equal Employment Opportunity Commission, or the charge filed with the relevant state or city human rights division.)

\*see attached  
continued  
page.

**IV. Exhaustion of Federal Administrative Remedies**

- A. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission or my Equal Employment Opportunity counselor regarding the defendant's alleged discriminatory conduct on (date)

September 17, 2020

- B. The Equal Employment Opportunity Commission (check one):

- ☒ has not issued a Notice of Right to Sue letter.  
☐ issued a Notice of Right to Sue letter, which I received on (date)

*(Note: Attach a copy of the Notice of Right to Sue letter from the Equal Employment Opportunity Commission to this complaint.)*

- C. Only litigants alleging age discrimination must answer this question.

Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding the defendant's alleged discriminatory conduct (check one):

- ☒ 60 days or more have elapsed.  
☐ less than 60 days have elapsed.

**V. Relief**

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

FRONT PAY: equitable relief/to "make whole" - \$500,000.00  
BACK PAY: Lost wages I would have earned - \$25,000.00  
ACTUAL DAMAGES: compensation from defendant's Wrong - \$2,000,000.00  
EXEMPLARY DAMAGES: to deter any future behavior - \$2,000,000.00  
PUNITIVE DAMAGES: to punish defendants for their Acts - \$1,000,000.00  
TOTAL: \$5,525,000.00

**VI. Certification and Closing**

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

**A. For Parties Without an Attorney**

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: May 4<sup>th</sup>, 2021.

Signature of Plaintiff

Printed Name of Plaintiff

Henry I. Cisco  
Henry I. Cisco

looked over my Application (See EXHIBIT A).

5. He then asked me, "How old are you?"

6. I said, "55, I'll be 56 on August 29th."

7. He seemed somewhat shocked of my age and asked, "Don't you think you are too old to work on the trucks?"

8. I said, "No, I'm in shape enough to handle the job dumping garbage and picking it up."

9. He said, "I'm really looking for younger guys to work."

10. Then he said, "You think you can handle picking up garbage?"

11. I said, "Yeah, it's like a workout."

12. He said, "There is a list of younger guys so I can't make no promises."

13. On or about July 31, 2020, I filed a Complaint with the Division of Human Rights in Hempstead, New York which it was filed on (August 7, 2020) (See EXHIBIT B).

14. On or about the same day of (July 31, 2020), I filed a Complaint with the City Manager (See EXHIBIT C).



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15. On or about September 17, 2020, a Equal Employment Opportunity Commission, hereinafter: (EEOC) charge #[16GC003939] was filed (See EXHIBIT D).

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16. On or about November 6, 2020, Corporate Counsel representing the City of Long Beach, Sanitation Department filed a Answer (See EXHIBIT E).

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17. Corporate Counsel for the defendants alleged a "budgetary restraint" and a defense that made no sense when money was not an issue when they gave defendant Jamel Taylor a raise and promotion.

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18. On or about November 12, 2020, Plaintiff submitted his Rebuttal to the defendant's Answer making Objections and denouncing their argument as meritless and basically a cover-up for defendant Jamel Taylor's discrimination against my age during the review of my Application and the City of Long Beach attempt to conceal the facts of the proof that the Age discrimination exist against Plaintiff in their own business records and Files for approximately two years since (December, 2018 to July, 2020)(See EXHIBIT F).

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19. Plaintiff contends during the Division of Human Rights alleged investigation, he requested from the 'Division' to subpoena certain documents and records from the Civil Service Files in City of Long Beach City Hall and Sanitation Department Files of all workers hired who worked behind the Garbage Trucks since December, 2018 through July, 2020 which they refused to subpoena the records and files and wrongfully and deliberately failed to secure 'direct evidence' of the age discrimination against Plaintiff.

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20. On or about February 16, 2021 the Division of Human Rights wrongfully dismissed Plaintiff's Age Discrimination Complaint without securing the 'direct evidence' of the Age discrimination from the defendant's own Files(See EXHIBIT G).

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21. On or about February 26, 2021, the Plaintiff submitted a request to EEOC in New York District Office which he never received a response (See EXHIBIT H).

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22. Plaintiff contends the City of Long Beach Sanitation Department and their Assistant Superintendent Jamel Taylor refused to hire me to work behind the Garbage Trucks because of my age over (50) and if it was not of my age being over (50), and being younger. Plaintiff would have received the job.

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23. The City of Long Beach Sanitation Department and Jamel Taylor motion to dismiss my case must be denied.

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